

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

Administrative Procedures for Filing, Signing, Maintaining,
and Verifying Pleadings and Other Documents in the
Electronic Case Filing (ECF) System

November 2002

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ADMINISTRATIVE PROCEDURES

I REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

All cases shall be assigned to the Electronic Case Filing System (hereafter System).

B. Passwords

Each attorney admitted to practice in this Court, and others as the Court deems appropriate, shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a password is governed by paragraph I(C). No attorney/participant shall permit his/her password to be utilized by anyone other than himself/herself or an authorized employee.

C. Registration

1. A registration form, in the form attached hereto as Exhibit A, shall be submitted for each attorney/participant. Registered participants shall be required to provide authorization for credit card payment with their registration in order to receive a login and password.
2. All registration forms shall be returned to the United States Bankruptcy Court, 537 Congress St., Portland, Maine 04101; ATTN: Systems Manager.
3. After successful completion of training with a Clerk's Office employee, each registering attorney/participant will receive a password for the training database and their System password.
4. The password required to submit documents to the System serves as the registered user's original signature on all electronic documents filed with the Court. The password also serves as a signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before this Court.
5. Participation in the System by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to Fed. R. Bankr. P. 9036. Participants in the System, by receiving a password from the Court, agree to

receive notice and service by electronic means.

6. Once registered, an attorney/participant may withdraw from participation in the System by providing the Clerk of Court or Chief Deputy Clerk with written notice of such withdrawal. Copies of the written notice must also be provided to all registered attorneys/participants who have appeared in a case in which the withdrawing attorney/participant has appeared, and which case remains open at the time of withdrawal. Upon receipt, the Office of the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list.
7. The Court reserves the right to revoke an electronic filer's password and, therefore, his or her authority and ability to electronically file documents, for failure to comply with any provision of the agreement contained in the Electronic Filer Registration Form, failure to adequately protect his or her password, failure to comply with the provisions of these Administrative Procedures for Electronically Filed Cases, failure to pay fees required for documents filed electronically, other misuse of the System, or as a sanction ordered by the Court after notice and opportunity for hearing.

II ELECTRONIC FILING AND SERVICE

A. Filing

1. Except as expressly provided in subparagraphs II(B) and II(D)(3), and in paragraph III below, all documents shall be filed electronically. Notwithstanding the foregoing, parties and attorneys who are not participants in the System are not required to electronically file pleadings and other papers in a case.
2. All documents that form part of a pleading and that are being filed at the same time and by the same party may be electronically filed together under one docket number; e.g., the motion, a supporting affidavit, the notice of hearing, the certificate of service, and a proposed form of order, as provided in subparagraph II(G), which shall be filed as an attachment to the primary document. A memorandum of law shall be filed separately and shown as a related document to the motion.
3. Because the System is a "real-time" system, the receipt of filing will show the actual date and time a document was filed on the System. Documents submitted electronically on the System outside of normal office hours will be deemed filed on the date and time received. For example, if a document is received at 6:27 p.m. on April 30, 2003, the receipt of filing will show that date and time, and the document will be deemed filed as of that date and time. Deadlines will not change

as a result of this policy. The deadline for filing, unless otherwise specifically set, is midnight of the due date (E.S.T.).

4. The person electronically filing a document must designate a title for the document by selecting the appropriate event title from the categories provided in the System. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office.
5. Attorneys/participants seeking to schedule emergency motions or other expedited matters shall contact the calendar clerk by telephone for a hearing date, after such expedited matter has been filed on the System.

B. System Failure

In instances where a document must be filed immediately, but electronic filing cannot be accessed because of a System failure during normal business hours, the filing party shall, after making at least two attempts to file electronically, contact the Clerk's office to confirm that the System is not accessible. If it is confirmed that the System is not accessible, or, if the System cannot be accessed due to a System failure during non-business hours, the document shall be sent as an attachment in PDF format via e-mail to the following address: ECFbackup@meb.uscourts.gov. The filing party must file with the document an affidavit stating the reason(s) why the document is being filed via e-mail, and demonstrating compliance with the prerequisites of this subparagraph. Filers who experience a System failure and file documents via e-mail must call the Clerk's office prior to 10:00 a.m. of the next business day to inform them that a document has been filed via e-mail. The Clerk's office will download and file the PDF document, and the document will be deemed filed on the date and time of the e-mail transmittal. Nothing contained in this paragraph is intended to take away rights contained elsewhere in these procedures or in local or federal rules.

C. Service

1. Whenever a document is filed electronically in accordance with the electronic filing procedures, the System will automatically generate a "Notice of Electronic Filing" at the time of docketing.
2. The filing party shall serve the document upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service on a registered attorney/participant in accordance with subparagraph II(C)(3) below.
3. If the recipient of notice or service is a registered attorney/participant in the System, service of the Notice of Electronic Filing shall be the equivalent of service

of the document by first class mail, postage prepaid.

4. Nothing contained herein shall be construed to eliminate the necessity of service of the summons and complaint in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure. The return of service shall be filed electronically.
5. In chapter 7 and chapter 13 cases, within one (1) business day after the filing of the bankruptcy petition, counsel for the debtor shall serve a paper copy of the petition, schedules, and statement of financial affairs on the chapter trustee assigned by the System at the time of filing, and, in chapter 7 cases only, on the US Trustee. If the schedules and statement of financial affairs are not filed with the petition, as authorized by Fed. R. Bankr. P. 1007(c), they shall be served in accordance with this subparagraph within one (1) business day of their filing.

D. Signatures; Affidavits of Service

1. Registered Attorneys and Participants

Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures, or which require verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically and in accordance with the Administrative Procedures. The original, executed documents that contain the signature of a party *other than the registered filer* must be maintained by the filer until two (2) years following the closing of the case or until the expiration of all appeal periods, whichever is later. Upon request of the Court or any interested party, the filer must provide original documents for review. The electronically filed document shall indicate a signature with the party's name typed in full, *e.g.*, “/s/ Jane Doe.”

2. In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:

- a. The filing party shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and *shall obtain and have in his or her possession* the actual signatures of all parties on the document.
- b. The filing party shall then file the document electronically, indicating the signatories, *e.g.* “/s/ Jane Doe,” “/s/ John Doe,” etc.
- c. The filing party shall retain the hard copy of the document containing the

original signatures in accordance with subparagraph II(D)(1) above.

3. Non-Registered and Pro Se Filers

Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures, or which require verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be submitted with full signature. These documents will be scanned by the Clerk's Office so they may be docketed electronically.

4. Certificates of Service

Whether service of documents is on registered attorneys/participants in compliance with subparagraph II(C)(3) above, or on non-registered parties/attorneys in compliance with local and federal rules, a certificate of service is still required for all filings. The certificate must state the manner in which service or notice was accomplished on each party so entitled, and may be filed together with the pleading under one docket number, as provided in subparagraph II(A)(2). A sample certificate of service is attached to these procedures as Exhibit B.

E. Fees Payable to the Clerk

1. For filings that require a fee, *registered attorneys/participants'* credit cards then on file shall be charged pursuant to information provided during training.
2. For filings that require a fee, *non-registered filers* must follow current local rules for methods of payment.

F. Exhibits

Except with regard to exhibits filed in connection with a pleading or motion to be heard on an emergent or expedited basis, as discussed below, attorneys/participants electronically filing documents that refer to exhibits not prepared in electronically produced text shall scan and electronically file only excerpts of the exhibit that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such, and the complete exhibit must be made available forthwith to interested parties, counsel, and/or the Court upon request and at the filer's cost (and must be available in the courtroom at any hearing pertaining to the matter). An attorney/participant filing excerpts of the exhibits pursuant to this subparagraph does so without prejudice to their right to file additional excerpts or the complete document(s). Responding parties may timely file additional excerpts or the complete document(s) that they believe are directly germane.

With regard to exhibits filed in connection with a matter to be heard on an emergent or expedited basis, the filing of excerpts of exhibits is not permitted, i.e., the full exhibits must be filed with the motion, application, pleading, etc. In any event, **each document electronically filed may not exceed forty-five (45) pages in length**. For those pleadings and motions, including attachments, exhibits, etc., that do exceed forty-five pages, attorneys/participants shall break up their documents into separate attachments, each of which shall be no more than forty-five (45) pages in length.

G. Orders

As required by Local Rule 9013-1(c), every motion filed must be accompanied by a proposed form of order. The proposed form of order shall be electronically filed in PDF format as an attachment to the motion. If a proposed order is being submitted at the request of the Court (e.g., following a hearing), it shall be filed separately in the System *unless otherwise requested by the Court*. An **agreed** order shall be submitted as set forth in this paragraph II(G), but shall, in addition, conform to the conventions for stipulations set forth in subparagraph II(D)(2) above.

III CONVENTIONAL FILING

A. Sealed Documents

A motion to file documents under seal shall be filed electronically unless prohibited by law. Documents sought to be, or ordered to be, placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the Court. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and delivered to the Clerk of the Court.

B. Transcripts

Transcripts shall be filed conventionally.

C. Non-Registered and Pro Se Filers

Non-registered filers and debtors without legal representation may file petitions, schedules, motions, pleadings and any other documents conventionally in accordance with the Local Rules of the Bankruptcy Court for the District of Maine and with subparagraphs II(A)(1) and II(D)(3) of the Administrative Procedures.

D. Trial/Contested Matter Exhibits

Trial/contested matter exhibits shall be submitted, maintained, and exchanged outside of

the System in a manner that comports with local and federal rules and any applicable pretrial or scheduling order. Exhibit lists submitted prior to trial and/or final hearing in a contested matter shall be filed electronically.

IV PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access

Internet access to the System is not available without a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov> or by calling the PACER Service Center at (800) 676-6856.

Such access to the System will allow retrieval of the docket sheet and documents. Access to the System will be on a “read only” basis.

B. Public Access at the Court

The public will have electronic access at the Clerk’s Office during regular business hours for viewing the docket sheet and documents filed in the System.

C. Conventional Copies and Certified Copies

Conventional and certified copies of electronically filed documents may be purchased at the Clerk’s Office during regular business hours. The fee for copying and certification will be in accordance with the provisions of 28 U.S.C. § 1930.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE
ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM**

I request that the U.S. Bankruptcy Court, District of Maine, register me for ECF training. I have already signed up on-line for the class to be held at the location, date and time listed below. Upon completion of training, I will be issued a login and password so that I can use the Court's Electronic Case Filing System (CM/ECF).

I understand that the use of my login and password serves as and constitutes my signature. I agree to protect and secure my password and I will immediately notify the court if I have any reason to suspect that my password has been compromised in any way.

I further agree to abide by all of the rules and regulations in the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Other Documents in the Electronic Case Filing (ECF) System* currently in effect, and any changes or additions that may be made to these procedures in the future.

Class Location, Date and Time: _____

First/Middle/Last Name: _____

Social Security Number: _____

Bar ID # and State: _____

Law Firm Name: _____

Firm Address: _____

Firm Federal Tax ID #: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

Signature: _____ Date: _____

Please return to: ECF Registration Desk
United States Bankruptcy Court
537 Congress Street, 2nd floor
Portland, ME 04101

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:)	
)	
KEELEY CONSTRUCTION CO., INC.)	Chapter 11
)	Case No. 02-21725
Debtor.)	

CERTIFICATE OF SERVICE

I, Regan M. Horney, Esq., hereby certify that Debra A. Gerry, Bankruptcy Paralegal with Marcus, Clegg & Mistretta, P.A., served a true and correct copy of the Preliminary Order Granting Debtor's Motion for Authority to Use Cash Collateral Pursuant to 11 U.S.C. § 363(c)(2)(B), Fed.R.Bankr.P. 4001(b) and D.Me.LBR 4001-2, dated October 30, 2002, on each of the parties and at the addresses set forth on the attached Service List either electronically, where noted, or via U.S. mail, postage prepaid, on the 31st day of October, 2002.

Dated: October 31, 2002

/s/Regan M. Horney
 Regan M. Horney, Esq.
 Attorney for Debtor

MARCUS, CLEGG & MISTRETТА, P.A.
 100 Middle Street, East Tower
 Portland, ME 04101
 Tel. (207) 828-8000

SERVICE LIST

In re: Keeley Construction Co., Inc. Chapter 11, Case No. 02-21725

Robert Checkoway, Esq. *served electronically*
U.S. Trustee's Office
537 Congress Street, 3rd Floor
Portland, ME 04101

WD Matthews Machinery Co.
P.O. Box 319
Auburn, ME 04212

Caterpillar Financial Services Corporation
10440 Little Patuxent Pkwy. 1200
Columbia, MD 21044

Caterpillar Financial Services Corporation
2120 West End Avenue
Nashville, TN 37203

Deutsche Financial Services Corporation
2333 Waukegan Road
Bannockburn, IL 60015-0329

Associates Commercial Corporation
8001 Ridgpoint Dr.
Irving, TX 75063

CitiCapital Commercial Corp.
Raritan Plaza, 111 Fieldcrest Avenue
Edison, NJ 08837

John Deere Construction & Forestry
6400 NW 86th Street
Johnston, IA 50131

James F. Keeley, Jr., President
Keeley Construction Co., Inc.
P.O. Box 1074
Portland, ME 04104-1074